IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.175 OF 2007

With

CIVIL APPLICATION NO.256 OF 2007

In

APPEAL FROM ORDER NO.175 OF 2007

Mrs.Martha Sebastian Fernandes & Ors. : Appellants

V/s.

The Municipal Corporation of Brihanmumbai

& Ors. : Respondents

...

Mr.P.M.Havnur for the appellants.

Mrs.Geeta Joglekar for respondent no.1.

Mr.S.G.Surana for respondent nos.3 & 4.

...

CORAM : A.M. KHANWILKAR, J.

DATE : MARCH 9, 2007.

P.C.

1. After some deliberations, the counsel for the appellants seeks permission to withdraw this appeal with liberty to the appellants to take recourse to appropriate remedy as may be necessary and permissible by law. This appeal is dismissed as withdrawn with liberty as prayed. All questions are left open.

2. The counsel for the respondent nos.3 and 4 states that there is no question of forcible dispossession of the appellants at least for a period of two weeks from today. In the circumstances, no further order is warranted at this stage. The appellants may take out appropriate proceedings and seek necessary reliefs as may be advised which will have to be considered on its own merits. The appellants shall also participate in the proceedings pending before the Assistant Commissioner, B.M.C., who is the competent authority as per the provisions of the Maharashtra Slums Areas (Improvement, Clearance and Redevelopment) Act, 1971.

3. In view of the withdrawal of the appeal, the Civil Application does not survive and the same stands disposed of.

A.M. KHANWILKAR, J.